

#### **IV. REMARKS**

##### **Status of the Claims**

Claims 1 is amended. Claims 1, 2, 4, and 5 are presented for further consideration.

##### **Summary of the Office Action**

Claims 1-5 stand rejected under 35USC102(b) on the basis of the cited reference Stacy, U.S. Patent No. 5,957,645. The Examiner is respectfully requested to reconsider his rejection in view of the above amendments and the following remarks.

Applicant submitted samples of fasteners manufactured according to the reference Stacy, samples of fasteners manufactured according to the subject application and a sample of a driver common to both. In a telephone interview on September 19, 2006, the Examiner acknowledged, that the Stacy fasteners did not include the stick-fit feature and that the cited reference Stacy was no longer considered an impediment to the allowance of the claims of this application.

In a subsequent telephone interview, the Examiner expressed concerns with respect to the application of U.S. Patent No. 6,199,455, issued to Wagner. This reference is cited in the Background of Invention of this Application as an example of a fastener with a stick-fit feature. Although the reference Wagner has not been applied by the Examiner as a matter of record, the purpose of the claim amendment submitted in this response is to clearly define the distinguishing features of the fastener of this invention in view of this reference.

The reference Wagner describes a square drive style fastener recess that employs rectangular engagement surfaces. There are no wings associated with the recess of this fastener. It employs oppositely directed drive walls 14 and first outer walls 17 to lock the matching driver in the recess to prevent cam out.(see column 6, lines 3-15). Stick-fit

is provided by tapering perimeter wall 12, as described at column 6, lines 35-44. In this portion of the description Wagner teaches having a secondary drive wall that has a surface area much larger than the surface area of the primary drive surface. It is the secondary drive surfaces that is constructed with a taper to encourage stick-fit. This illustrates that the recess of Wagner bears no resemblance to the spiral drive recess of the subject application. There is no transition surface between the installation and removal drive surfaces from which an interference surface protrudes, as described in the claims as amended.

Applicant has amended the claims in response to the questions raised by the Examiner in the recent telephone interviews and to more clearly define the basis for Applicant's arguments distinguishing the reference Wagner. These amendments are submitted after final rejection in order to place the claims in condition for allowance. The Examiner is respectfully requested to enter these amendments in order to advance the prosecution of this application.

The Examiner is respectfully requested to reconsider the final nature of the pending office action and his rejection in view of the above amendments and remarks. Applicant submits that entering the above amendments will permit the allowance of the claims.

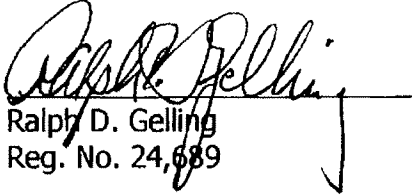
For all of the above reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of \$450.00 for a two month extension of time as well as any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

10/825,633

Response to Office Action mailed May 2, 2006

Respectfully submitted,

  
Ralph D. Gelling  
Reg. No. 24,689

10-2-06  
Date

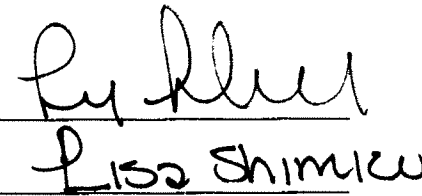
Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

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I hereby certify that this correspondence is being transmitted electronically, on the date indicated below, addressed to the Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 2 October 2006

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Lisa Shimizu

Person Making Deposit